

Interview Summary

Application No.

09/870,122

Applicant(s)

Cleary et al.

Examiner

S. Devi, Ph.D.

Art Unit

1645



All participants (applicant, applicant's representative, PTO personnel):

(1) S. Devi (PTO)

(3) _____

(2) Ann Viksnins

(4) _____

Date of Interview Nov 29, 2002

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy is given to 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:

Claim(s) discussed: All of record

Identification of prior art discussed:

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

See attached sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

SD 11/29/02
S. DEVI, PH.D.
PRIMARY EXAMINER
ART UNIT 1645

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Serial Number 09/870,122
Art Unit: 1645

Attachment to PTO 413 dated 29 November 2002

In response to Ms. Viksnins' concern that the claims of the prior PCT application were examined without lack of unity and those of the parent US application were subjected to a 4-way restriction as opposed to the restriction requirement set forth in the instant case, Ms. Viksnins was reminded that the instant application was filed under 35 U.S.C 111, as opposed to an application filed under PCT or 35 U.S.C 371. Ms. Viksnins was also informed that the parent application, SN 08/589,756 included generic protein claims, which were not subject to any restriction. It was explained that the current restriction requirement was based on the structural distinctness of the various variants claimed. It was suggested that Applicants have the option of petitioning the restriction requirement, submitting strong arguments during traversal and/or discussing the issue with Mr. Bill Dixon and Mr. James Housel, since both were consulted in the instant application.